



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

September 5, 2014

By ECF

Hon. Sidney H. Stein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Peter J.W. Sherwin
Member of the Firm
d 212.969.3261
f 212.969.2900
psherwin@proskauer.com
www.proskauer.com

Re: *In the matter of the Petition for the Appointment of an Arbitrator in the Arbitration between Hamilton Properties Limited against FHR Gulf Management FZ LLC et ano.*, 14 Civ. 6507 (SHS/KF)

Dear Judge Stein:

We represent FHR Gulf Management FZ LLC and Fairmont Hotels & Resorts (U.S.) Inc. (together, "Fairmont") in the above-referenced action.

Yesterday, Hamilton Properties Limited filed its reply brief in further support of its petition, which also contains a few pages in opposition to Fairmont's cross-petition. Additionally, Andrew Kratenstein, counsel to Hamilton Properties, submitted to your Honor a two-page letter, the ostensible purpose of which was to provide courtesy copies and again request a hearing, but which includes further argumentation and continues their practice of *ad hominem* attacks and unjustified assertions of delay as in their prior submissions and letter (*see* Sherwin letter to the Court dated Aug. 18 [ECF doc. 6]; Fairmont Mem. dated August 21 at 3-7 [ECF doc 12]).

We note that, pursuant to local rule 6.1(b), any reply brief in further support of Hamilton Properties' petition was due seven days after Fairmont's answering papers. Those answering papers were served August 21, and so any reply was due August 28, yet Hamilton Properties unilaterally took an additional week and filed untimely on September 4, notwithstanding their pleas for urgent and immediate action by the Court. However, we do not object to the Court accepting Hamilton Properties' untimely submission, and we will timely submit Fairmont's reply papers on September 11, 2014. Therein, Fairmont will address the further argumentation Mr. Kratenstein made in his letter and will not burden the Court with it here.

We continue to look forward to addressing any questions the Court may have should it determine to hold a conference or hearing in this matter once it is fully submitted.

Respectfully submitted,

/s/ Peter J.W. Sherwin

Peter J.W. Sherwin